

SENATE No. 1437

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Improve Public Contracting with Massachusetts Farmers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	Worcester and Norfolk
James B. Eldridge	Middlesex and Worcester
Susan C. Tucker	Second Essex and Middlesex
Robert A. O'Leary	Cape and Islands
Robert M. Koczera	11th Bristol
Richard J. Ross	9th Norfolk
John W. Scibak	2nd Hampshire
Jennifer M. Callahan	18th Worcester
Bruce E. Tarr	First Essex and Middlesex
Thomas M. McGee	Third Essex and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO IMPROVE PUBLIC CONTRACTING WITH MASSACHUSETTS FARMERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 30B of the Massachusetts General Laws, section 4, subsection (d) is hereby replaced with the following

(d) A procurement officer may award a contract valued at less than \$50,000 for the procurement of products of agriculture as defined in section 1A of chapter 128 including, but not limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products and products processed into value added products as part of a Massachusetts farm operation, that are grown or produced using products grown in the commonwealth as well as fish, seafood and other aquatic products, without seeking quotations as required under subsection (a), and the officer shall follow generally accepted business practices.

SECTION 2. Chapter 7 of the General Laws is hereby amended by replacing Section 23B with the following :—

Section 23B. (a) Notwithstanding any general or special law to the contrary, and to the extent permitted by federal law, a state agency or authority, or the trustees or officers of a state college designated by them when purchasing products of agriculture as defined in section 1A of chapter

128, including but not limited to, fruits, vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value added products as part of a Massachusetts farm operation, shall prefer products grown in the commonwealth or products produced using products grown in the commonwealth as well as fish, seafood, and other aquatic products.

(b) To effectuate the preference for those products of agriculture grown or produced using locally grown products, the state purchasing agent responsible for procuring the products on behalf of a state agency or authority, or the trustees or officers of a state college designated by them shall: (1) in advertising for bids, contracts or otherwise procuring products of agriculture, make reasonable efforts to facilitate the purchase of such products of agriculture grown or produced using products grown in the commonwealth; and (2) purchase the products of agriculture grown or produced using products grown in the commonwealth, unless the price of the goods exceeds, by more than 10 per cent, the price of products of agriculture grown or produced using products grown outside of the commonwealth.